

STEVENS & LEE
LAWYERS & CONSULTANTS

1105 North Market Street
7th Floor
Wilmington, DE 19801
(302) 654-5180 Fax (302) 654-5181
www.stevenslee.com

Direct Dial: (302) 425-3307
Email: jg@stevenslee.com
Direct Fax: (610) 371-8516

September 4, 2008

BY HAND DELIVERY AND ELECTRONIC FILING

The Honorable Joseph J. Farnan, Jr.
United States District Court
District of Delaware
844 N. King Street
Lock Box 27
Wilmington, DE 19801

Re: **3V, Inc. v. CIBA Specialty Chemicals Corporation, D. Del., C.A. No. 06-593-JJF**
CIBA Specialty Chemicals Corporation v. 3V, Inc., D.Del., C.A. No. 06-629-JJF
CIBA Specialty Chemicals Corporation v. 3V, Inc., D.Del., C.A. No. 06-672 JJF

Dear Judge Farnan:

We represent 3V, Inc. in the above-referenced actions before the Court. We write in response to the letter from counsel for CIBA Specialty Chemicals Corporation, Mr. Shandler, dated August 29, 2008. Mr. Shandler asks that the Court schedule a status conference in the case. While we do not oppose that request, we do not feel it necessary to impose on Your Honor's time. Instead, we offer an approach which we believe will be both fair and more efficient than a status conference.

Mr. Shandler's letter asserts that the Motion to Dismiss filed by 3V, Inc. would not resolve the claims raised by CIBA in these actions. We beg to differ. For the reasons stated in the briefs we filed in support of the Motion to Dismiss, we believe that the pending Motion to Dismiss would resolve all claims in these consolidated proceedings. Mr. Shandler is correct in asserting that 3V resisted further discovery in this case after the Motion to Dismiss was filed. However, what he failed to mention was that the parties agreed to a stay of all deadlines while the Court considered the Motion to Dismiss. In fact, a Joint Stipulation and Order to Stay the Proceedings and Suspend the Dates Set Forth in November 16, 2007 Order was drafted by CIBA's counsel, approved by us as 3V's counsel, and filed under Mr. Chandler's name on June

Philadelphia • Reading • Valley Forge • Lehigh Valley • Harrisburg • Lancaster • Scranton
Williamsport • Wilkes-Barre • Princeton • Cherry Hill • New York • Wilmington

A PROFESSIONAL CORPORATION

STEVENS & LEE
LAWYERS & CONSULTANTS

The Honorable Joseph J. Farnan, Jr.
September 4, 2008
Page 2

25, 2008. (See, e.g., Docket Entry No. 48 in C.A. No. 06-593.) For Your Honor's convenience, I have enclosed a copy of the Joint Stipulation.

Mr. Shandler now asserts that CIBA wishes to complete discovery and prepare for trial. The parties have not discussed this case since the Joint Stipulation was filed in June, so we do not know whether CIBA has decided to renege on our agreement, or if it simply forgot about it. Regardless, we do not believe it makes any sense for the parties to engage in discovery or try to prepare for a trial when there is a Motion to Dismiss pending which could, and in or view will, resolve all issues presented in these consolidated cases.

We are sensitive to the tremendous demands which are now being placed on the Court's time. We do not believe it is necessary to impose on the Court's schedule with a status conference. Instead, we suggest that the Court simply approve the Joint Stipulation filed by CIBA's counsel in these consolidated cases. That will stay these proceedings until the Court has an opportunity to rule on the pending Motion to Dismiss. As soon as that Motion is resolved, the parties can revisit whether and to what extent anything remains for discovery or trial.

I shall be available if the Court has any questions concerning these cases.

Respectfully submitted,

STEVENS & LEE

/s/ Joseph Grey

Joseph Grey (ID No. 2358)

JG:jg

Enclosure

cc: Chad M. Shandler, Esquire (via e-mail, w/encl.)
Alan J. Branigan, Esquire (via e-mail, w/encl.)
Angela M. Colwell, Esquire (via e-mail, w/encl.)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

3V, INC., a Delaware Corporation,)	
)	
Plaintiff,)	
)	C.A. No. 06-00593-JJF
)	
v.)	
)	
CIBA SPECIALTY CHEMICALS)	
CORPORATION, a Delaware Corporation,)	
)	
Defendant.)	
_____)	

CIBA SPECIALTY CHEMICALS)	
CORPORATION, a Delaware Corporation,)	
)	
Plaintiff,)	C.A. No. 06-00672-JJF
)	
v.)	
)	
3V, INC., a Delaware Corporation,)	
)	
Defendant.)	
_____)	

CIBA SPECIALTY CHEMICALS)	
CORPORATION, a Delaware Corporation,)	
)	
Cross-Plaintiff,)	C.A. No. 06-00629-JJF
)	
v.)	
)	
3V, INC., a Delaware Corporation,)	
)	
Cross-Defendant.)	
_____)	

**JOINT STIPULATION AND ORDER TO STAY THE PROCEEDINGS
AND SUSPEND DATES SET FORTH IN NOVEMBER 16, 2007 ORDER**

3V, Inc. (“3V”) on the one side and CIBA Specialty Chemicals Corporation (“CIBA”) on the other side (collectively, the “Parties”) have agreed to the following terms and conditions, subject to the approval of the Court:

WHEREAS, on or about November 16, 2007, the Court entered a Second Order Modifying Rule 16 Scheduling Order (D.I. 30 [06-00593]) and (D.I. 29 [06-00629 and 06-00672]) (the “Order”);

WHEREAS, the Order did not include a trial date or a date for a pretrial conference;

WHEREAS, on or about March 27, 2008, 3V filed a Motion to Dismiss for Lack of Subject Matter Jurisdiction (D.I. 34 [06-00593]) and (D.I. 33 [06-00629 and 06-00672]) in the above-captioned actions;

WHEREAS, the Motion to Dismiss is fully briefed and is pending before the Court;

WHEREAS, CIBA believes that discovery should continue pending resolution of the Motion to Dismiss;

WHEREAS, 3V believes that the Motion to Dismiss negates the need for further discovery;

WHEREAS, rather than litigate the issue of whether discovery should continue at this time, the Parties have agreed to stay the above-captioned matters and suspend all dates set forth in the Order pending the Court’s resolution of the Motion to Dismiss,

NOW THEREFORE, the Parties stipulate and agree, subject to the approval of the Court, to stay these cases and suspend the dates set forth in the Order until such time that the Court resolves the Motion to Dismiss.

Dated: June 25, 2008

/s/ Joseph Grey
Joseph Grey (#2358)
jg@stevenslee.com
STEVENS & LEE, P.C.
1105 North Market Street, Seventh Floor
Wilmington, DE 19801
(302) 654-5180

Angelica M. Colwell
NEXSEN PRUET, LLC
P.O. Box 486
205 King Street, Suite 400
Charleston, SC 29401
Counsel for 3V, Inc.

Dated: June 25, 2008

/s/ Chad M. Shandler
Frederick L. Cottrell, III (#2555)
cottrell@rlf.com
Chad M. Shandler (#3796)
shandler@rlf.com
Richards LAYTON & FINGER
One Rodney Square
P.O. Box 551
Wilmington, DE 19899
(302) 651-77000

Alan E.J. Branigan
Brion Heaney
Michael Culver
Millen White Zelano & Branigan, P.C.
2200 Clarendon Boulevard
Suite 1400
Arlington, VA 22201
Attorneys for CIBA Specialty Chemicals Corporation

IT IS SO ORDERED this ____ day of _____, 2008

United States District Judge